

RD AN No. 3827 (2000-GGG)
February 26, 2003

TO: Rural Development State Directors

ATTN: State Civil Rights Coordinator/Managers(SCRC/M)

FROM: Arthur A. Garcia *(Signed by Arthur A. Garcia)*
Administrator
Rural Housing Service

SUBJECT: Fair Housing Act, as it relates to Complaints and Conciliation Agreements with the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture (USDA)

PURPOSE/INTENDED OUTCOME:

This Administrative Notice (AN) is being issued to clarify procedures involving conciliation agreements between HUD and USDA, in accordance with the Memorandum of Understanding (MOU) signed by the Secretary of USDA and the Secretary of HUD, on July 11, 1997.

COMPARISON WITH PREVIOUS AN:

This AN replaces RD AN No. 3425 (2000-GGG), which expired on October 31, 1999.

IMPLEMENTATION RESPONSIBILITIES:

To implement the MOU between HUD and USDA, Rural Development issued RD Instruction 2000-GGG, which provides guidance in coordinating the investigation, conciliation or mediation of fair housing complaints, RD Instruction 2000-GGG, Section 2000.2908, specifically outlines the procedures for the conciliation of complaints when USDA and HUD are involved.

EXPIRATION DATE:
February 29, 2004

FILING INSTRUCTIONS:
Preceding RD Instruction 2000-GGG

Under the Fair Housing Act, HUD is the enforcement Agency with the authority to investigate and conciliate complaints alleging fair housing violations. In cases where conciliation may be achieved, HUD will draft and sign the agreement. Despite HUD's authority, under the Fair Housing Act, HUD does not have the authority to initiate enforcement proceedings against other Executive Branches or Agencies, which includes the Rural Housing Service.

Therefore, Rural Development field staff **are not** authorized to sign conciliation agreements to resolve complaints naming USDA as a respondent, when the agreement provides for enforcement by HUD. Additionally, Rural Development field staff are to refer **all** conciliation agreements to the State Director through the SCRC/M. The State Director will in turn forward it to the National Office Civil Rights Staff for response.

If you have any questions concerning this AN, please contact Mr. Carlton L. Lewis, of the Program Compliance Branch, Civil Rights Staff at (202) 692-0097 (Voice), (202) 692-0107 (TDD), or (202) 358-5657 (Fax).